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REMARKS

The present amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-24 were pending in the application. Claims 17-24 were withdrawn from consideration. Claims 1-16 have been rejected. Claims 1 and 10-16 have been amended for clarification purposes.

The amendment of claims 1, 10 – 16 not narrow the claims in response to any cited prior art, but was intended to better clarify the claims. Applicants respectfully assert that the amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 103 Rejections

~~In the Office Action, the Examiner rejected claims 1-16 under 35 U.S.C. § 103(a), as~~
being unpatentable over Jong et al., U.S. Patent 6,348,381.

Applicants respectfully traverse the rejection of claims 1-16 under Jong et al., U.S. Patent 6,348,381.

The Jong reference teaches a:

A method for forming a nonvolatile memory with optimum bias condition is
structure has a first oxide layer, a nitride layer and a second oxide layer. Afterwards
plurality of openings is formed on the ONO structure and a portion of substrate is

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exposed. An optimum condition of a nonvolatile memory cell having a threshold voltage region wherein the threshold voltage region can be optimum by adjusting a lateral electric field between a drain and a gate to transfer a plurality of electrons into the ONO structure. Thereafter, an implant process is performed to form a plurality of bit lines on substrate. An oxide layer is formed on bit lines to create a bit lines oxide layer. Finally, a polysilicon is formed on bit lines oxide layer and the ONO structure to produce the nonvolatile memory cell. Alternatively, after a nonvolatile memory cell is made, the optimum threshold voltage region can be selected by adjusting a lateral electrical field between a drain and a gate to transfer a plurality of electrons into the ONO structure. (Abstract of Jong reference)

Jong et al., however, does not teach or suggest the managing charge movement step of claim 1, decreasing capacitance step of claim 10, increasing and decreasing threshold voltage steps of claims 11-12, narrowing step of claim 13, improving matching step of claim 14, enabling reduction step of claim 15 and controlling operating voltage step of claim 16, "by selecting a thickness of at least one of said bottom oxide layer, said nitride layer and said top oxide layer...". It would not be obvious from reading Jong et al to perform each of the above claimed steps "by selecting a thickness of at least one of said bottom oxide layer, said nitride layer and said top oxide layer...". Thus, Jong et al. does not teach or suggest the invention of claims 1 and 1-16.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since Jong et al. does not teach or suggest all the elements of any of independent claims 1 and 10-16, the Examiner has failed to establish a prima facie showing of obviousness for any of claims 1 and 10-16.

Accordingly, Applicants respectfully assert that amended independent claims 1 and 10-16 are allowable. Applicants respectfully assert that claims 2-9 are likewise allowable by virtue of their dependence on allowable base claims. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claims 1 and 10.

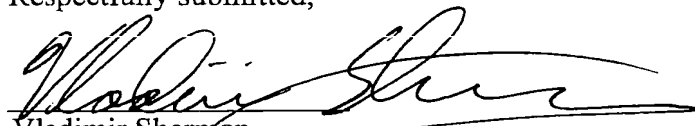
In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

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Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Vladimir Sherman', written over a horizontal line.

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Dated: September 2, 2003

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